

REMARKS/ARGUMENTS

Favorable consideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3 and 5-36 are presently pending in this application, Claims 6, 10, 11, 13, 14 and 23-34 having been withdrawn from further consideration by the Examiner, Claim 4 having been canceled, Claims 1, 3, 5-8, 20 and 21 having been amended by the present amendment.

In the outstanding Office Action, Claims 1-5, 7-9, 12, 15-18, 20-22, 35 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Abell et al. (U.S. Publication 2002/0074113) in view of Voss et al. (U.S. Patent 5,685,366); and Claims 1-5, 7-9, 12, 15-20, 35 and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Laveran et al. (U.S. Patent 5,492,172) in view of Voss et al.

Claims 1, 3, 5-8, 20 and 21 have been amended herein. These amendments find support in the specification, claims and/or drawings as originally filed, and no new matter is believed to be added thereby. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work in a joint effort to derive mutually satisfactory claim language.

Before addressing the rejection based on the cited references, a brief review of Claim 1 as currently amended is believed to be helpful. Claim 1 is directed to an evaporator and recites: "a heat exchange core comprising a plurality of tube groups arranged in rows as spaced forwardly or rearwardly of the evaporator and each comprising a plurality of heat exchange tubes arranged in parallel at a spacing laterally of the evaporator; and a lower tank disposed at a lower end of the core and having connected thereto lower ends of the heat exchange tubes providing the tube groups, wherein the lower tank has a top surface, front and rear side surfaces and a bottom surface, the top surface of the lower tank is highest at an

intermediate portion and is so shaped as to lower gradually from a highest portion toward the front and rear side surfaces, the highest portion of the top surface is positioned between a front heat exchange tube row and a rear heat exchange tube row of the heat exchange core, the lower tank is provided in each of front and rear side portions thereof with front and rear grooves formed between respective laterally adjacent pairs of heat exchange tubes and extending from the intermediate portion of the top surface with respect to forward and rearward directions to the front and rear side surfaces for causing water condensate to flow therethrough, a rear end of the front groove is positioned before a rear side of the heat exchange tubes in the heat exchange tube front row, and a front end of the rear groove is positioned behind a front side of the heat exchange tubes in the heat exchange tube rear row.”

By providing such a lower tank, the water condensate on the corrugated fins is effectively removed from the top surface of the lower tank, thereby preventing freezing of water condensate and impairment of the evaporator performance.

It is respectfully submitted that Abell et al., Voss et al. and Laveran et al. do not teach or suggest “a lower tank ..., wherein the lower tank has a top surface, front and rear side surfaces and a bottom surface, the top surface of the lower tank is highest at an intermediate portion and is so shaped as to lower gradually from a highest portion toward the front and rear side surfaces, the highest portion of the top surface is positioned between a front heat exchange tube row and a rear heat exchange tube row of the heat exchange core, the lower tank is provided in each of front and rear side portions thereof with front and rear grooves ... extending from the intermediate portion of the top surface with respect to forward and rearward directions to the front and rear side surfaces for causing water condensate to flow therethrough, a rear end of the front groove is positioned before a rear side of the heat exchange tubes in the heat exchange tube front row, and a front end of the rear groove is positioned behind a front side of the heat exchange tubes in the heat exchange tube rear row”

as recited in amended Claim 1. Therefore, the structure recited in Claim 1 is believed to be distinguishable from Abell et al., Voss et al. and Laveran et al.

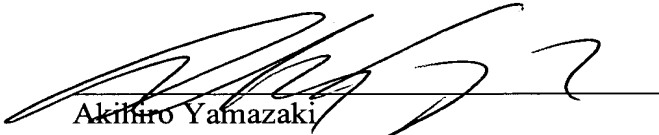
Because none of Abell et al., Voss et al. and Laveran et al. discloses the lower tank as recited in amended Claim 1, their teachings even combined would not render the evaporator recited in Claim 1 obvious.

For the foregoing reasons, Claim 1 is believed to be allowable. Furthermore, since Claims 2, 3, 5-22, 35 and 36 depend directly or indirectly from Claim 1, substantially the same arguments set forth above also apply to these dependent claims. Hence, Claims 2, 3, 5-22, 35 and 36 are believed to be allowable as well.

In view of the amendments and discussions presented above, Applicants respectfully submit that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Akifuro Yamazaki
Attorney of Record
Registration No. 46,155

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)